

Calvin Howell

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**From:** Craig Windland  
**Sent:** Tuesday, March 23, 2004 11:22 PM  
**To:** Michael Copps  
**Subject:** local phone competition  
 Commissioner Copps:

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MAY 13 2004

Federal Communications Commission  
Office of the Secretary

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I am enclosing my letter to Chairman Michael Powell regarding my displeasure on his stance on local phone competition. I am very upset with the apparent lack leadership at the FCC which has resulted in limited success in developing local phone competition. Mr. Powell's leadership clearly favors the Baby Bell monopolies (and therefore is in opposition to Congress's 1996 telecom act and lower cost phone service for consumers) and his bias in this area has led to disarray at the FCC. This has provided yet another opportunity for the Bell monopolies to sidestep the wishes of Congress and the American people through the court systems.

Any effort you can provide to rectify this situation and finally bring competition to local phone service with its corresponding savings to consumers will be greatly appreciated.

Sincerely,

Craig Windland

enc.

Commissioner Michael Powell:

I find myself completely baffled with your train of thought regarding local telephone service. I simply cannot comprehend how you have come to the conclusions that the FCC, a regulatory agency, should pursue a policy of minimal or nonexistent regulation regarding local telephone competition. For that matter, how have you concluded that this philosophy is at all consistent with the fundamental reason for the FCC regarding any industry coming under its envelope of supervision? Your position in this matter is akin to a policy at the IRS of non-enforcement of tax law. It simply flies in the face of reason from every advantage point. I would suggest to you that, in general, regulating is the sole purpose of the FCC. This lack of clarity has manifested itself in a particularly confused policy regarding local phone competition. How could you have possibly come to the conclusion that the local phone monopolies, with no incentive whatsoever, and in fact disincentives abounding, would negotiate in good faith with local competitors for line and switch rates. You only need look at their track record of stalling, litigating, overcharging, and in fact violating the entire spirit and letter of the telecom deregulation act to realize that they will NEVER negotiate in good faith. They cannot. The only reason they have survived this far is due to the governmentally created and supported monopoly status they have been awarded with guaranteed profits and markets built into their business model. They simply are unable to compete. That is why they pursue these tactics that seems to be apparent to everyone except you.

Your current policy course could not have come at a worse time. After 8 years of struggle with these monopolists, and in spite of policies by the FCC that have failed to enforce Congress's wishes regarding this matter, local phone competitors are just beginning to develop. Consumers, THE PEOPLE YOU ARE REPRESENTING, are finally beginning to have actual choices for their local phone providers. Your ongoing policy of hands off the Bells and actually expecting them to negotiate their business away to competitors,

.. after having already given them their ONLY incentive for negotiating at all ( competing in long distance ) clearly is fundamentally flawed, if not outright biased, and doomed to kill off local competition before it has the opportunity to flourish. Certainly you don't think every startup phone company should build its own switches and begin running its own lines to every house in America? These lines and switches are arguably property of the taxpayer. They have been paid for by the taxpayer through governmentally guaranteed rates that assured profitability, monopoly markets where competitors were excluded, and governmental support for procurement and maintenance of rights of way for these monopolies.

Please tell me how you think local phone competition can flourish under the course you have directed. Please tell me why you think the Bells are going to negotiate away their guaranteed profits in good faith. Please tell me why you think you have done a good job so far that provides a fertile environment for the creation of new local phone companies. Please tell me why, if the Bells have been negotiating in good faith, that they have not opened up startup local competition in each other's territories. Please tell me why, if the monopolies are conducting themselves in the spirit of the law, that local competition is still struggling. Please tell me why you think that monopoly owned wireless constitutes competition for monopoly owned land based phone service. Please tell me what ARE you thinking?

cc:

Commissioner Kathleen Q. Abernathy  
Commissioner Michael J. Copps  
Commissioner Kevin J. Martin  
Commissioner Jonathan S. Adelstein  
Representative Ralph Regula  
Senator Mike Dewine  
Senator George Voinovich